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HM-629

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josef Zug, et al.
Serial No: 10/536,683
Filed: May 27, 2005
For: TRANSPORT CAR FOR METAL COILS
Examiner: James W. Keenan
Art Unit: 3652

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S I R:

Applicant hereby requests a four-month extension of the original shortened statutory period set by the Notice of Appeal of December 10, 2007. Enclosed is a credit card payment form in the amount of \$1640.00 in payment of the government fee for a four-month extension of time.

06/16/2008 LTRUONG 00000026 10536683

01 FC:1402 510.00 OP
02 FC:1254 1640.00 OP

This appeal is taken from the Final Action mailed June 5, 2007.

Real Party in Interest

The real party in interest in the above-identified application is:

SMS Demag AG
Eduard-Schloemann-Strasse 4
DE-40237 Düsseldorf
Germany

Related Appeals and Interferences

There are no related appeals or interferences of which Applicant is aware regarding the above-identified application.

Status of Claims

Claims 1-6 are pending in the application and are subject to the present appeal. Claims 1 and 3-6 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 4,971,508 to Miyahara et al. in view of U.S. Patent No. 3,341,042 to Carder, U.S. Patent No. 3,370,727 to Shaw, or U.S. Patent No. 4,312,619 to Anderson et al. Claim 2 stands rejected under 35 U.S.C. 103(a) over Miyahara et al. in view of Carder, Shaw, or Anderson et al., and further in view of U.S. Patent No. 5,636,713 to Perkins et al.

Status of Amendments After Final Rejection

An Amendment after final was filed on December 10, 2007, and entered by the Examiner.

Summary of the Claimed Subject Matter

The claimed invention will now be summarized with reference to the drawings being made by way of reference numerals.

Independent Claim 1

The claimed invention recites a transfer car in a conveyance system for metal coils (see page 7, lines 1-2 of the specification). The car has a support saddle (4) (see page 7, line 4), a chassis (2) that can be moved along a conveyance path (1) by means of a drive and means for raising and lowering the support saddle (4) along a linear vertical guide (5) on a base frame (3) (see page 7, lines 2-5). The frame (3) is shaped as a plate and a steel slab is used as the base frame (3) on which a scissor unit (6) is mounted for the purpose of linear vertical guidance (5) (see page 3, lines 19-20) and so as to not take on any lifting forces (see page 4, line 21 - page 5, line 2 and page 8, lines 1-3). Two lifting cylinders (7) are installed a distance apart as the drive and act directly on the support saddle (4) to provide the sole lifting forces to raise and lower the support saddle (4) (see page 7, lines 11-13 and 20-21).

Grounds of Rejection to be Reviewed on Appeal

The following grounds are presented for review:

Whether claims 1 and 3-6 are unpatentable under 35 U.S.C. 103(a) over Miyahara et al. in view of Carder, Shaw, or Anderson et al.

Whether claim 2 is unpatentable under 35 U.S.C. 103(a) over Miyahara et al. in view of Carder, Shaw, or Anderson et al., and further in view of Perkins et al.

ArgumentThe Rejection of Claims 1 and 3-6 under 35 U.S.C. 103(a):

In rejecting claims 1 and 3-6, the Examiner stated the following in the final rejection:

"Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara et al (previously of record) in view of Carder (US 3,341,042), Shaw (US 3,370,727), or Anderson et al (US 4,312,619).

As noted in the previous Office action, Miyahara shows the invention essentially as claimed but lacks a scissors unit. The Sikli reference was previously used to teach a scissor lifting unit but the claims have now been amended as to require a scissor unit which provides only guidance, while separate lifting cylinders provide the sole lifting force.

Carder, Shaw, and Anderson all show mobile lifting platforms wherein scissor units provide only a guiding function and separate lifting cylinders provide the sole lifting function.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Miyahara with a scissor unit providing only a guiding function and lifting cylinders providing the sole lifting function, as shown by any of Carder, Shaw, or Anderson, to enable the lift to collapse to a minimal height while at the same time providing a guiding function."

The patent to Miyahara et al. discloses an apparatus for storage and conveyance of heavy articles. Miyahara et al. do not teach any scissor unit, let alone a scissor unit mounted only for

the purpose of linear vertical guidance and so as to not take on any lifting forces, as in the presently claimed invention.

The patent to Carder discloses an elevator control system.

The patent to Shaw discloses a laterally adjustable conveyor.

The patent to Anderson et al. discloses an aircraft cargo loading method and apparatus.

The Examiner combined Miyahara et al. with Carder, Shaw or Anderson et al. in determining that claims 1 and 3-6 would be unpatentable over such a combination. Applicant respectfully submits that there is no motivation for combining the references as suggested by the Examiner. There is no indication in Miyahara et al. that there is any need for a scissor unit for guiding purposes. Since the lifting device of Miyahara et al. seems sufficient for the purpose intended and there does not appear to be, nor is there any mention of, any problem with vertical linear guidance, it is not obvious to modify the construction of Miyahara et al. to have an additional element, namely a scissor unit for guidance. Such an extra unit would only add to the complexity and expense of the device and thus, in addition to the lack of need,

it would not be intuitive to modify the device of Miyahara et al. to include a scissor unit. Furthermore, none of the secondary references deals with lifting heavy metal coils or anything nearly as heavy as such coils. Thus, one skilled in the art of the present invention would not look to such light-duty devices for suggestions in modifying a transfer and conveyance device as taught by Miyahara et al.

Thus, it is submitted that the rejection of claims 1 and 3-6 under 35 U.S.C. 103(a) over combinations of the above-discussed references is in error.

The Rejection of Claim 2 under 35 U.S.C. 103(a):

In rejecting claim 2, the Examiner stated the following in the final rejection:

"Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara in view of Carder, Shaw, or Anderson, as applied to claim 1 above, and further in view of Perkins et al (previously of record).

Miyahara as modified does not show a dual stage cylinder lifting system.

As noted in the previous Office action, Perkins shows such a system.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus of Miyahara with a dual cylinder lifting system to increase the lifting height of the system without requiring excessively long cylinders."

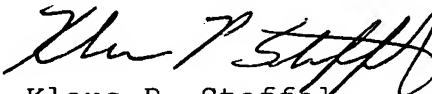
Dependent claim 2 stands and falls with independent claim 1.

Conclusion

Accordingly, in view of the above considerations, it is Applicant's position that the Examiner's rejections of claims 1-6 under 35 U.S.C. 103(a) are in error and should be reversed.

The amount of \$510.00 to cover the fee for filing an appeal brief is being charged as per attached form PTO-2038. Any additional fees or charges required at this time in connection with this application should be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

Klaus P. Stoffel
Reg. No. 31,668

For: Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

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HM-629

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on June 10, 2008.

By: 
Klaus P. Stoffel

Date: June 10, 2008

Claims Appendix

1. Transfer car in a conveyance system for metal coils, having a support saddle, a chassis (2) that can be moved along a conveyance path (1) by means of a drive and means for raising and lowering the support saddle (4) along a linear vertical guide (5) on a base frame (3) shaped as a plate, wherein a steel slab is used as the base frame (3), on which a scissor unit (6) is mounted for the purpose of linear vertical guidance (5) and so as to not take on any lifting forces, two lifting cylinders (7) are installed a distance apart as the drive and act directly on the support saddle (4) to provide the sole lifting forces to raise and lower the support saddle (4).

2. Coil transfer car in accordance with Claim 1, wherein a telescoping dual cylinder system (12) is provided so as to initially provide half the lifting height and, a following upper arrangement (13) supported by the dual cylinder system (12) and having one telescopic cylinder (14) that is extendable until an intended total lift is reached.

3. Coil transfer car in accordance with Claim 1, wherein the

support saddle (4) forms an upper part of the scissor unit (6).

4. Coil transfer car in accordance with Claim 1, wherein the scissor unit (6) has sliding blocks (8) which are horizontally guided on the base frame (3) in linear guides.

5. Coil transfer car in accordance with Claim 1, wherein running gear (11) equipped with driving mechanisms is installed on an underside of the base frame (3).

6. Coil transfer car in accordance with Claim 1, wherein the cylinders are cylinders (7) of a high-pressure class.

HM-629

Evidence Appendix

N.A.

HM-629

Related Proceedings Appendix

There are no related proceedings.